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Prisoners Civil Rights Complaint
Bivens vs Six Unknown Agents
(403 US 388) (1971)

Steven L. Ray 236 89-005

19 CV 6256 DGL

Metropolitan Detention Center / Transfers February 25, 2019

PO Box 329 002

Schuylkill Camp

Brooklyn NY 11232

PO Box 670

VS

Minersville PA

17954

Federal Bureau of Prisons

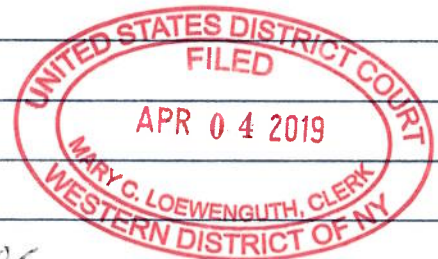
North East Region

US Customs House, 7th Floor

2nd and Chestnut Streets

Philadelphia Pennsylvania 19106

Counsel's office % MDC Brooklyn NY.



- Filed lawsuits relating to imprisonment:
18cv5954

NORTH Eastern District / Honorable Pamela K. Chen

Warden Quay / Federal Bureau of Prisons

Still Open

- Statement of Facts:

- The Federal Bureau of Prisons on two occasions have either mis-designated me from camp status to low as you will determine.

The Federal Bureau of Prisons has asked for help and assigned me a job to work for agents as a result placed me in

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Segregation confinement which is the most harsh conditions at which time I am camp custody "minimum out"

Segregation Confinement is a liberty deprivation for any inmate serving over 30 days for a non offense. If conditions are significantly harsh compared to the inmates ordinary conditions and custody classification.

MR Ray is a minimum security inmate with "outcustody" The conditions he served for almost 2 1/2 years are so extreme and A typical of his normal custody conditions that they violate his 8th Amendment rights. This also being absolutely harsh for an inmate working with agents, and no offenses committed. This treatment is A typical and created a significant hardship.

Courts applying Sandin v Conner find a deprivation of liberty. Also note Colon v Howard 215 F.3d 227 231-32 2d Cir 2000 were anyone over 101 days in Segregation, Solitary confinement needs review depending on inmates normal custody.

The following is a chronology of events that speak volumes.

These events and more have been document with greater detail, This will give the court a general idea of events.

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Statement of Facts : Chronology of Events to Support Claim

ON August 18, 2015 pursuant to an entered plea agreement. I was detained as a presentenced prisoner in Bath County Jail for 13 months. During this period I was segregated in a maximum security section of the institution. The group of similarly situated individuals who were guilty of serious violent crimes including but not limited to murderers and assorted violent criminals accordingly, as a member this cross section. The basic appropriate conditions to the crime were withheld remitting a level of threat against my safety.

ON October 1, 2016 I was removed to Youngstown PA. CCA maximum Detention Facility. Where I once again was placed in MAXIMUM Security with another assortment of violent criminals, also with greatly restricted privileges.

ON November 1, 2016 I was transferred to Allenwood Low facility, inconsistent with my designation would have demanded, at which I served 13 months as a result of this mistaken designation. the conditions were substantially inferior of those enjoyment at a Prison Camp. More profoundly I spent 40 days in solitary confinement Stripped of all human rights, deprived of liberty as a result of my assistance with institutional Security caused by personnel's failure to protect my safety. This was a colossal blunder by the BOP to reward a cooperating inmate, with the harshest living conditions.

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The Bureau of Prisons having recognized the miss designation imposed upon me, decided to correct and send me to MDC Brooklyn NY. to participate in a Work Cadre program. The BOP having recognized their mistakes and signed an agreement to correct my custody level, should have sent me to a camp. Instead they housed me in a ~~vertical~~ facility with virtually no recreational area, rigidly reinforced personal cell habitation in a large city environment, with virtually no programs that would commonly be found in a camp setting where I have been maintained for 8 months then moved to protective custody since June 18th 2018. The prison population holds ms-13, terrorists, murderers, 18th street gang members all in high security detention center.

The events at MDC leading to my protective custody and further deprivation of liberty started in November 2018

EVENTS

IN November 2017, I met with Special Agents en reference to being sent outside the facility without any clearance. This triggered an institutional safety concern. At which time two guards told me to keep this situation quiet. During my meeting with Agents I was asked if I would like to work on a cell phone problem. I was explained the concerns and accepted the job. My job involved locating, individuals, movement, storage and reporting to agents via mail and phone messages.

ON December 2017, Inmates were becoming

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aware of my knowledge to what was going on.

I took on five different jobs and had almost full access to the interior and exterior facility. Inmates began to try and get me up. Also one time I was forced to produce my Emails because of a concern I was working for SIS. Fortunately I never left any evidence to the fact.

ON January 21st, 2018 I was responsible for the confiscation of 15 phones and 11 arrests, along with other contraband. I became more involved after reading Times Magazine article about a North Carolina's Prosecutors dad's attack with the help of a cell phone in prisons. My other concern was a possibility of more dangerous weapons brought in.

ON February 28th, 2018 I was responsible for 10 more phones and numerous arrests.

ON March 3rd I located 3 more phones and arrests were made. My boss E. Shea Joked with me and said the institution is buying more file cabinets because I filled the ones they had.

ON 3/15/18 Unit team, SIS, SAI placed me for a transfer. SAI MR. Geier wrote a recommendation for Unit Manager MR. Childress to the files for transfer. This transfer was for increased inmate awareness and due to substantial assistance with SIS agents.

ON 4/15/18 A meeting was held with SAI, the captain regarding my investigation into a Staff's ~~the~~ family members Involvement.

Numerous events started unfolding and inmate awareness was elevating. I was responsible for an institution search while at work. My

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locker along with family photo and address book were taken by other inmates. This was due to staff not securing my locker after the search. It was later noticed that my legal papers and other personal items were also gone.

I contacted SIS and the Warden. I was told to place a tort claim to start an investigation.

ON 4/18/18 Confrontation started with inmates. These were reported to SIS staff.

ON 4/25/18 an inmate came to me "Ressler" and warned me he heard his bunkie "Benjamin R. talking about an attack on me. "Ressler 72 years old and a bankruptcy attorney was nervous.

ON 4/30/18 I met with Warden Quay. I requested to see him and he came to commissary while I was working. I explained my concerns. He said he would contact Unit Manager Childress and find out where my transfer was. By this time SIS had discuss^{ed} with C/O Bida and ~~STHA~~ about my removal.

5/1/18 Confrontation with Emmanuel Gonzales in R&D while working. He was caught with 7 phones and shipped.

5/2/18 Confrontation with inmate Cruz and Gilbert Torres. Both were reported via Phone to SIS.

5/15/18 My transfer was denied by one upper manager however approved by the Unit Manager, Cme and SAI and had a recommendation of the transfer due to "inmate awareness".

5/16/18 Another inmate came up to me "Anthony P". He stated that he heard Benjamin R. Shrakel, Shepherd talking that a CO told them I was the one who confiscated and reported the phones. They stated I am "SIS".

5/17/18 While on delivery to Unit 51 at 9:30 I usually did with little support. I entered the unit and inmate Edwin Araujo came up to me. Edwin is a detainee.

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in "brown". I was a "comper" in "green". He figured I had his commissary. He was checking his idems and speaking out at me. He said someone was telling on him he just got back from the street. If he finds the individual Cadre' he would declare War on them. Edwin was arrested after investigation for phones and money transfers.

5/17/18 SIS was notified and we were to meet I stayed at the requested location. I later returned to the unit with no meeting.

5/18/18 I called SIS and notified the Warden by Email.

5/20/18 I went to K-81 Cadre Unit. I was with two other Cadre's I work with. Inmate Ferrari and Reister. When Inmate G. Torres and ARX (ALIAS) who watched the door while G. Torres came for me. He began to act out screaming that I have done too much I need to be removed. Inmate Ferrari got up and hustled me out with out harm. It was later determined that G. Torres had been involved with my personal information and was preparing to cause harm to me. (Cruz) a friend of his was just caught stealing from commissary which they figured I was involved.

ON 6/12/18 after numerous other events including statements from SIS that they were going to place me in PC by planting a cell phone charger. They also told CO Felder to tell me to talk to no one, Trust no one.

I met with special agents about my transfer and things were spiralling out of control. The lastest threats I was knocked out of my chair by "Spiro" called a Rat. Inmate Lopez forced me off the food table where I ate in my cell.

SIS said they were going to the "Warden" SIS Trod Stated Why did they promise and not come through

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He was upset.

ON 6/15/18 I met with the "Warden" while working outside his office. He stated in front of Inmate Amer Haggart. "We are getting you out of here".

ON 6/18/18 I was placed in solitary confinement for a Threat Assessment. This is "Protective Custody". This was also due to E. Shea and two other CO's one was "Romano" contacted SIS.

ON 6/20/18 I met with Warden Quay he was surprised but stated this is how we are going to ~~do~~ it.

ON 7/1/18 I was investigated by Lt. Pope. I gave him paperwork with codes not peoples name because I had my regular paperwork locked in Property and they had not given it to me. There were 36 witnesses / individuals who threatened me.

ON 7/24/18 The investigation was closed.

ON 7/30/18 Institutional Security procedures were changed based on my present and past recommendations to prevent a further problem. Information I forwarded to staff while in Solitary Confinement.

ON 8/1/18 The Warden talked to me and said that Lt. Pope was sending me back to the unit. The warden turned to the Captain and said "Roy cannot go back to the unit". Captain White looked stunned asked what is going on then after the Warden spoke to him he said he would call SIS "Visciano". The Warden told me if the CO came for me to tell them what happened. This happened I did and at 6:15pm there was a piece of paper in my door it stated I received a 306 shot failure to Program?

ON 8/18/18 I met with the Warden I explained what is going on. Inmate Osborne was witnessed to the latest event never interviewed and Peter Kissler, I

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was told by staff contacted the Warden about a scare for my safety. Peter Russler was transferred in 4 month two months after I was put in to Solitary? Inmate Osborne was present with G. Torres and (Alex) Alias. I was told the case was reopened.

8/21/18 The same thing happened. Officer Bonomo felt bad because he was aware of the incident. He wrote another shot and explained in detail on it. He felt I should be in P.C. It stated that there was still an open threat. I was later told by Warden Quay that this is how it would have to happen. 3 shots he makes the ultimate decision. The second shot was delivered in the late evening the day after the event.

ON 8/28/18 I was called to the office OIC Henderson stated he knows I should be in P.C. He called "Rick" Lt Richardson. Lt. Richardson said issue the shot with explanation. Lt. Richardson brought me the paper later that evening and explained. He stated do I want to continue to be in P.C. and then transferred? By now it was 72 days.

Later that day Inmate Gimenez 70186-053 on ms-13, Inmate Sierra 90986-105 and Lopez also gang members. They began kicking their doors while I was cleaning. They yelled Snitch, Rat, Gimenez looked at me and said remember my face I will kill you.

ON 8/29/18 There was a commotion in the morning were Gimenez was showering. OIC Henderson was called to the floor. He talked to Gimenez and told him he was going back to the shower and clean it. I was later called to the office and OIC Henderson stated Gimenez crapped in the shower. He left it for me to clean up. It was later determined inmates and a socialist on his cellmate + ms-13 inmates (Gimenez, Lopez, Sierra, etc.)

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Let morning the Warden Came through. We discussed the 3 shots. He reassured me this was the end. Again this is how it works. I was concerned that I had never been in any trouble, no incidents until this, due to my help. He said the Team would report me and forward my transfer to him. I was confused because this has been done before. He reassured me this is BOP policy and gives him ultimate reason to transfer.

8/31/18 I was put in a recreation cage along with my bunk mate. This is a cage in a room with no heat or AC. It has a 24 screen to the sky outside. In this cage there was a freshly drawn picture of a devilish creature. Underneath it said Death Will find You! Officer Bennet brought me a rag and cleaner to remove it.

9/1/18 I was removed from my cell to clean up a dead mouse outside my door. Officer Webster was present when it was noticed it had a brown weaved string with knots every inch around its neck. The other end of the string went inside an envelope attached to it. On the face of the envelope it read "DIE RAT".

Once again by the institution putting my work out there it has caused a higher threat in front of Now MS-13 Gang members.

I have been in Solitary now 80 days. Phone once a month. Shower Mon-Wed-Fri 3 times per week. Placed in a holding cell in a cold/warm room as recreation for one hour 5 days no holidays or if the CO doesn't feel like it.

on 9/3/18 Inmate Sierra had a fit of rage. OIC Henderson came out to cell #8 and said

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who are you calling a "Poota Ratta". He said cell #7 which was mine. Inmate Sierra continued and was able to dislodge his desk from the wall crushing it into his cell door. Henderson and Webster came back and looked him up removed the desk.

9/5/18 met with Warden Quay. He said the Unit team is placing my transfer he is prepared to sign it and forward it. I went on about my feelings of depression. my now aches, pains 20 pounds of weight loss extreme headaches. These ~~were~~ ^{are} ~~unlike~~ harsh conditions of confinement with a camp custody level. I have.

To even continue the cell I was in no desk, ladder to the top bunk. we ate 3 meals per day on towels on the floor. I was told I could not work anymore Lt. Metzger was angry. She said I need to go back to the unit. I discussed this with Lt. Ramos who thought there was no problem with me but felt compelled not to override her decision.

We later went with-out plumbing on 9/9-9/10 I developed hives, arms, back, ankles. I saw medical 3 days later who prescribed a lotion for the itching. The stress is overwhelming. Unit team came and said she re-submitted my transfer for the 5th time.

9/10/18 the plumbing came back and then a pipe broke outside the cell. We bailed water most of the evening till the next day where at 2pm on 9/11/18 the water was turned off to our cell and waited for a repair now 47 hours total.

We were told that an officer was hurt (Officer Tarkenton). She was in bad shape.

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The institution was on lock down. My security custody level doesn't warrant this environment. By now my back and kidneys are in pain. I react to urine. I only drink milk the water is horrible.

I sit here wondering what went wrong. I helped these people. I received an 84 months sentence on a 41-51 month Plea. My attorney sends me to get information for him while on the phone. I receive an obstruction charge and he quits. My family moved on after 40 months. A now a white collar inmate who saved lives for years and adopted african daughter who we rescued. I continued to help people and I am left in this position.

9/17/18 We were at wreck. Occupying one of three cages. Were ms-13 in the other two, calling out names RAT, die you Son of a bitch in Spanish. It was later revealed the one inmate was related to "el chapo". NOW 100 days.

10/2/18 I received a new cell mate, a medium security violent inmate on transfer. He just completed 10 years so far. He was charged with Populating with an 8 year old. This is horrible when I helped take a little girl from her family where we have adopted because of being abused at 3 years old.

10/16/18 I was called out of my cell the new orderly quit. The guards are fighting with ms-13. They defecated in the shower. I had to clean it up while the two guards and my self were threatened. They were later removed to another location.

I found out today that on 10/2 my legal mail was opened and read by staff. It was properly marked and then how I found out was an AW

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read my situation and mocked it. He let me know he read it "Aw Garcia".

10/17/18 Before the removal of MS-13 inmates which took another day. The duplicated their events I cleaned up and CO Webster, Siguel and Lt Ramos removed them.

10/24/18 Met with Warden Quay discussed a few things. He was going to have team contact DSCC and find out about my transfer.

10/26/18 Unit Manager Bridges showed up I asked about the DSCC call. She stated they were calling on 10/29/18. I later received another bunky. A two time 10 year high security drug dealer.

10/29/18 Was brought back as orderly. I had to clean fecal matter on the women's side. The drains backed up.

10/31/18 I requested to see Unit team.

11/2/18 I saw team today. Received my progress report. OK under the circumstances. I gave ms. Bridges the admin-Remedies for the 306 shots. I think its foolish now! I also gave her a Cop-out to meet with the Warden and SAI Mr. Geier to resolve all of this. It has now been 15 days of Harsh Conditions. She further stated they were calling DSCC again on 11/4/18. They have had no answer. This is absurd. 11/7/18 I met the warden. He said the team was calling today. We discussed the meeting he had no problems. I told him I felt used by MDC to solve a problem.

11/8/18 Psychology put me on Sertraline for situational depression I also received the US district court

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paperwork ~~being~~ Ray v Quay. The Judge wrote legal mail open in front of inmate. It was delivered open.

11/14/18 Unit team said my transfer was denied. I had to be held for another 6 months in P.C. Later this evening inmate Taylor a cadre came in told guards he didn't want to bunk with me. Rules state Cadre's together. The word was out all over mde.

11/18/18 Lt Metzger in front of staff and officer Pena. She yelled continuously "Ray when are you leaving" "I want you gone, "Bye Bye Ray". I said respectfully "I don't know". She walked down to the other cells. Then back and said "You better not be coming out". "I want you to stay in that cell". She just put even more out for people to figure out. ~~the~~ Inappropriate for a high ranking officer.

@ 8pm I felt very anxious, anxiety level is elevated due to the Metzger incident. I have family problems at home. Their health has turned for the worse and cannot call. These conditions are abusive both physically and mentally.

Unit team mrs. Walter stopped by I discussed the 6 month wait. She said that is absolutely wrong and will get it clarified.

11/21/18 With not being able to contact family and the holiday almost here. I have my brother-in-law with 6 months to live. My dad's having colon problems, my brother has cancer. My step dad with seizures. My wife cervical cancer and her father with mini strokes. My family needs to hear from me as much as I do them.

11/22/18 Thanks going, rough day. I haven't talked to

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family since the middle of October. my continued crying and sadness I hope will get easier with the continued use of Sertaline 50mg.

11/23/18 I tried to call 2 more times. This is rough. The guard said I already had the phone and took it back. BOP rules state a phone call once a month. That is a connected call not one with no answer. 6 weeks now no contact.

11/24/18 I asked this am for the phone the guard said yes. Never happen. Asked at 7pm they won't bring it. Things have changed since my mail was read from Honorable Judge CHEN

I saw Mrs. Walter, I told her I have not seen anyone from Team. I really wanted to find out about the Warden's meeting with Mr. Geren

I had much more to discuss. BP-199 money transfer out of here. The letter to Martin Skrutli's Judge. Martin Skrutli's involvement with some sentences of phones. When I gave the information and he was caught with a phone. A lot of this information was written and scanned to Mr. Geren by the help of CO E. Shea. my supervisor. Also the act of defrauding the vendors for years.

11/25/18 I was told by ms. Signal why are you not the orderly again. I couldn't answer. Ms. Webster came by I asked her. Her reply was THEY want you out of P.C. I think they are looking bad. The Warden told me to stay put till I transfer.

11/26/18 Lt. ^{Mc}Cabe Stopped by. We talked he said stay were I am. He doesn't suggest trying to go back.

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11/27/18 Veteran Co. of 18 years Norman who I worked with. He escorted me to SIS a few times. He said "you are still here", "This is crazy".

11/28/18 met with ms. Bridges she clarified that I would have to be here 6 months total. On 12/1/18 the transfer would be redone.

I met with the warden about going to a unit. He didn't like this idea. I briefly saw Captain White. He stated the process will be re-submitted on 12/1/18.

11/29/18, I talked to Co Webster. Wondered why I had no cell mate now. She stated the Region is coming. Until they are through we have to go by the rules.

11/30/18 Co Devosty talked to me. He said most of the inmates that had threatened me are gone. Inmate Osborne said I should try to come back if they will let it.

12/3/18 Inmate Juan Galan "Caché" was brought in. Due to the Region visit he was no longer able to bank with ms-13. He said the Dominicans were preparing to take me down. They called me a snitch and rat in the unit.

12/6/18 OIG office showed up to interview me. They concluded Enough is Enough. They were going to recommend my removal.

12/9/18 I went two days without a prescription refill became very ill. I have never been dependant on anything but work.

12/13/18 Had a conversation with Galan about why he was here. C/o Adwapa told other inmates he was a snitch. He was told by SIS to check in.

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Calan told me the Puerto Ricans were also planning to attack. "Peter Kessler informed SIS. that they were going to try and "shock me"?"

12/16/18 181 days Solitary Confinement. NO linens or socks in 30 days.

12/20/18 185 days, talked to Warden Quay. moving to a unit is dead issue.

- physiology stopped by an interviewed me. Two Doctors. "Showed major concerns."

- Judge Chen wrote to give the Government an extension on my Condition of Confinement claim. She suggested they try and settle it before briefing. (2241 Habeas Corpus).

12/25/18 Best time in almost 4 years I had no access to family for the holidays. I did get 15min last week with my wife. She cried uncontrollably about her brother has a few months and a baby on the way.

12/26/18 after 6 months of asking for a bible I received one. I haven't been to church in 15 months which I previously never missed even at other prisons. This is very abusive.

12/28/18 I finally received my Admin-Remedies back. Just spinning. Sent a reply to the BP-9 to the Region under a BP-10.

Stating the fact that I held (7) Seven Bbs with almost access 24 hours here. Confiscated over 1000 phones and Canteen card. resulting in over 1000 arrests. Responsible for Staff and Program changes. along with inmate job changes.

How do I never become, or avoid a threat?

12/31/18 Ever since the petition NOT one Staff, Officer, OIC or IT who was mentioned

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have I seen. The Lt in charge of the 5th, ~~was~~ last time visited was before Thanksgiving.

It may be that during my interview with Lt. Sam S's Pope, The Wood got out. He didn't want to do it in private. When I discussed the intel part he tried to tell me not to say anything in front of staff. It was too late. This is why I wanted it to be private. This place has opened up too much.

I Received a letter from the OIG today they forwarded their information to the BOP Internal Affairs division.

1/2/19 met with mainline today. NO answers on whether my transfer even went out.

1/4/19 A concerned CO who I worked with asked if I was OK. I talked a bit. He left and returned opening my door and said come out. I talked to my Lt. We discussed safety issues, and staff is with me about more serious weapons at risk of entering. He asked for my suggestions. My biggest one is stay with the new procedures. They typically only last here for one month then everyone gets lazy. The inmates all joke about it. Discussed the storage areas and magnets being used to store phones in the walls.

1/7/19 Cadre's were arrested again.

1/12/19 Glen Superior talked to me today about Gil Torres threat. He said the plan is that if I didn't return he would get me on the outside. Be careful for my family. I believe at this point he stole my information during the big mess up by staff.

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1/13/19 I was pulled out to clean a flooded toilet. then locked back in.

1/15/19 I was awoken by a flash light. I was told to come out. No one cleans up fecal matter. We had cell 016 and two along with the office flooded. I cleaned up the mess. I usually do what others want.

1/16/19 I talked to the Warden today, the transfer was submitted 1/7/18 and not yet approved. He is going to have the unit team call.

1/18/18 Struggling to call home. No answer on my transfer.

1/21/18 It has been 3 months. I had recreation (so called) one time. Since the shutdowns, it is really hard to get any ^{cooperation} cooperation. I was told by ^{clp} Aries when I said I know everyone has argued about recreation but we usually get it during holidays. He said that if we complained who will win.

It has been 7 months and I asked on numerous rotations along with others to have the cold water fixed. We cannot drink cold water in this cell.

I took it upon myself to contact plumbing they said they "Got me". Its 7 months now.

Today the air ventilation stopped it comes on for 30 min exactly and then shuts off for 5 minutes.

This is a major deprivation of liberty now over 217 days and still in Isolation/solitary confinement. With an institution containing more corruption and illegal activities than the streets.

Statement:

These facts continue for me daily and do not have a resolution. This information only concludes the extreme deprivation experienced.

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through these events. As a result of the mistakes visited upon me by the Government in mishandling of my custody as in the facts provided. There can only be two such remedies to resolve this complaint, (1) one immediate and irrevocable release and (2) two compensation through punitive damages. All in recognition of continued deprivation of rights experienced by the petitioner. The petitioners constitutional rights have been and still are so trampled upon then equitable remedy would only be as explained. It is especially compelling in that notwithstanding the mistreatment suffered by the Petitioner. He performed acts of benefit clearly articulated and given to him by Senior top staff for the Federal Bureau of Prisons. Which due to his courage and conduct providing assistance to the Government and took on these responsibilities at their request with the knowledge of support from them. These facts speak volumes of what really happened now at 2 1/2 months into solitary confinement. 260 days then transferred masking the problem.

: Relief:

- ① Immediate and irrevocable release;
- ② \$15,000,000.00 Five million dollars;
- ③ any other such relief granted by the US District Courts.

I declare under penalty of perjury the foregoing is true and correct. executed and signed on April 1st 2019

Steven Shay